

01-23-01

A

JC970 U.S. PTO  
01/22/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 70012

JC970 U.S. PTO  
01/22/01  
09/767046

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

1. This is a request for filing a:

- (X) Continuation Application Under 37 CFR §1.53(b)
- ( ) Continuation-in-part Application Under 37 CFR §1.53(b)
- ( ) Divisional Application Under 37 CFR §1.53(b)

of pending prior application no. 09/194,090 filed on November 9, 1998 for A TEST TUBE FOR BIOLOGICAL ANALYSES OF ORGANIC LIQUIDS USING ELECTRO-OPTICAL EQUIPMENT wherein the inventors are:

Francesco COCOLA  
Antonio RICCI

Using the enclosed specification of 8 pages and 20 claims.

The entire disclosure of the above mentioned pending prior application, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

2. Prior Application Information: Examiner: H. Tran  
Group/Art Unit: 1743

09767046 012201

3. X The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELED BY AMENDMENT

|                    | <u>FILED</u> | <u>EXTRA</u> | <u>RATE</u> | <u>FEE</u> |
|--------------------|--------------|--------------|-------------|------------|
| Total claims       | 20           | 0            | \$18/\$9    | \$0.00     |
| Independent Claims | 1            | 0            | \$80/\$40   | \$0.00     |

Multiple Dependant Claims NO

Basic Filing Fee: \$ 710.00

Total Filing Fee: \$710.00

4. X The Commissioner is hereby authorized to charge any fees which may be required, or to credit any overpayment to our Deposit Account No. 13-0410.
5. X A check in the amount of \$ 710.00 is enclosed.
6. — Cancel claims
7. X Amend the specification by inserting before the first line the sentence:  
-- This is a Continuation of application Serial No. 09/194,090 filed November 9, 1998, and the entire disclosure of this prior application is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.--
8. X Formal drawings are enclosed.  
[Total Sheets: 2]
9. X The prior application is assigned to DIESSE DIAGNOSTICA SENESE S.R.L., as recorded under Reel 9725 and Frame 0935 . A copy of this assignment is enclosed and this assignment carries over to the present application.
10. X Oath or Declaration [Total Pages: 3 ]
- a. — Newly Executed (original or copy)
- b. X Copy from a prior application (37 C.F.R. § 1.63(d))
11. X Any Convention priority claimed in the parent application is hereby claimed for this application.

12. X A preliminary amendment is attached.
13. — Small Entity status as claimed in the parent application is still proper and hereby claimed for this application. A copy of the Small Entity document from the parent application is enclosed.

14. ACCOMPANYING APPLICATION PARTS

- English Translation Document  
— Information Disclosure Statement/PTO Form 1449  
— Copies of IDS Citations  
X Return Receipt Postcard (MPEP 503)  
— Certified Copy of Priority Document  
— Request for Reconsideration

15. X CORRESPONDENCE ADDRESS BELOW:

**McGLEW AND TUTTLE**

**John James McGlew**

**Scarborough Station**

**Scarborough, New York 10510-0827**

**United States**

Telephone: (914) 941-5600

Fax: (914) 941-5855

Name: Theobald Dengler

Reg. No.: 34,575

Signature: 

Date: January 22, 2001

TD:sk  
70012.2

DATED: January 22, 2001  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231, No. EL275480270US ON January 22, 2001

McGLEW AND TUTTLE, P.C., SCARBOROUGH STATION,  
SCARBOROUGH, NEW YORK 10510-0827

By: 

Date: January 22, 2001

REGISTERED PATENT ATTORNEY

JOHN JAMES McGLEW J.D., NY, NJ, DC BARS

THEOBALD DENGLE, PATENT AGENT

HILDA S. McGLEW M.D., PATENT AGENT

KETH D. MOORE, PATENT ATTORNEY

McGLEW AND TUTTLE, P.C.

*Counselors at Law*

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PATENT TRADEMARK

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Hon. Commissioner of Patents  
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Washington, D.C. 20231

Re: ATTORNEY DOCKET: 70012  
Customer Number: 000023872

Sir:

Attached please find the complete application papers and fees in the above-identified application which are being placed in the U.S. Mail today, January 22, 2001, as Express Mail number EL275480270US.

A copy of the Express Mail receipt is also attached.

Respectfully submitted  
for Applicant(s),

By: 

Theobald Dengler  
Reg. No. 34,575  
McGLEW AND TUTTLE, P.C.

TD:sk

Enclosures - Complete Application Papers and Fees  
- Copy of Express Mail Receipt

DATED: January 22, 2001  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
(914) 941-5600

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SCARBOROUGH, NEW YORK 10510-0827

BY: *Sheri Brunsky* DATE: January 22, 2001

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